

ESTTA Tracking number: **ESTTA710161**

Filing date: **11/23/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	79140651
Applicant	Stefano Ricci S.P.A.
Applied for Mark	SR
Correspondence Address	CECELIA M PERRY MCGLEW AND TUTTLE PC SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227 UNITED STATES cperry@mcglewtuttle.com
Submission	Applicants Request for Remand and Amendment
Attachments	T74817.request for remand.pdf(26798 bytes) T74817-SIGNED DOC.pdf(346596 bytes)
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Date	11/23/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant: STEFANO RICCI S.P.A.
Serial number: 79140651
Mark: SR
Filed: August 5, 2013
Examining Attorney: Micheal A Wiener
Law Office: 108

REQUEST TO REMAND FOR ADDITIONAL EVIDENCE

Pursuant to 37 C.F.R. § 2.142(d), and for good cause shown, Applicant respectfully requests that the application be remanded to the Examining attorney to consider additional evidence.

This request is filed for good cause and not for purposes of delay. Applicant has been in discussions with the owner of the cited mark SR in Registration Nos. 2770611 and 2381337 and they have reached an agreement. The owner of Registration Nos. 2770611 and 2381337 has consented to Applicant's use and registration of Applicant's SR mark. The consent agreement which was signed on November 19, 2015 is enclosed.

Accordingly, Applicant respectfully requests that the Board suspend the appeal proceeding and remand this application to the Examining attorney to consider the newly executed consent agreement.

DATED: November 23, 2015

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

The Sunrider Corporation d.b.a. Sunrider International, and Stefano Ricci S.P.A. after considering the visual distinctions between the Parties' respective uses of their SR marks; the differences between the Parties' goods and services; the differences in the Parties' respective target markets, the Parties' respective pricing, and the Parties' channels of trade, the Parties hereby agree that no likelihood of confusion exists or will exist between Sunrider's use and registration of the SR marks for the goods in their registration nos. 2770611 and 2381337, and Stefano Ricci's use and registration of the SR mark for the goods listed in their application no. 79140651 and therefore;

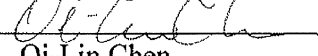
The Sunrider Corporation d.b.a. Sunrider International consents to the use and registration of the trademark SR by Stefano Ricci S.P.A. for the goods listed in their application serial no. 79140651;

Stefano Ricci S.P.A. consents to the use and registration of the trademark SR by The Sunrider Corporation for the goods listed in their registration nos. 2381337 and 2770611;

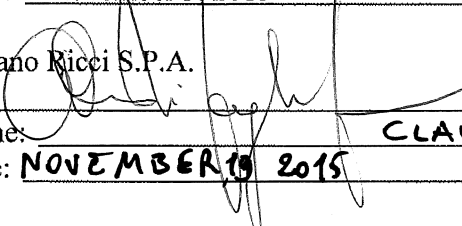
The Sunrider Corporation and Stefano Ricci S.P.A. give their respective consent to the use and registration of the SR marks since they believe that no likelihood of confusion exists. Both Sunrider and Stefano Ricci have considered each other's use and projected use of the Sunrider SR mark and the Stefano Ricci SR mark, and are informed, and do not believe that concurrent use of their respective marks will cause confusion, deception, or mistake among consumers or the trade;

Finally, the Parties agree that in the unlikely event that any instances of confusion, mistake or deception occur, Sunrider and Stefano Ricci will work together in good faith to take reasonable steps necessary to eliminate mistake or deception, and to use commercially reasonable efforts to avoid any future instances of the same.

The Sunrider Corporation d.b.a. Sunrider International

By: 
Name: Oi-Lin Chen
Date: November 3, 2015

Stefano Ricci S.P.A.

By: 
Name: CLAUDIA TAGLIAFERRI, MANAGING DIRECTOR
Date: NOVEMBER 19 2015